

AN ACT

relating to court administration and costs; increasing certain court costs; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall transmit the file for the proceeding in accordance with the procedures provided by Section 33.105 ~~[make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form]~~ to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION 2. Section 33.102(a), Estates Code, is amended to read as follows:

(a) If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the

1 proper county by transmitting the file for the proceeding in
2 accordance with the procedures provided by Section 33.105 to the
3 proper court in that county [~~in electronic or paper form:~~

- 4 ~~[(1) the original file in the case; and~~
5 ~~[(2) certified copies of all entries that have been~~
6 ~~made in the judge's probate docket in the proceeding].~~

7 SECTION 3. Section 33.103(b), Estates Code, is amended to
8 read as follows:

9 (b) The clerk of the court from which the probate proceeding
10 described by Subsection (a) is transferred shall transmit the file
11 for the proceeding in accordance with the procedures provided by
12 Section 33.105 to the court to which the proceeding is
13 transferred[+

- 14 ~~[(1) the original file in the proceeding; and~~
15 ~~[(2) a certified copy of the index].~~

16 SECTION 4. Subchapter C, Chapter 33, Estates Code, is
17 amended by adding Section 33.105 to read as follows:

18 Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) If
19 a probate proceeding is transferred to a court in another county
20 under this chapter, the clerk of the transferring court shall send
21 to the clerk of the court to which the proceeding is transferred,
22 using the electronic filing system established under Section
23 72.031, Government Code:

- 24 (1) a transfer certificate and index of transferred
25 documents;
26 (2) a copy of each final order;
27 (3) a copy of the order of transfer signed by the

1 transferring court;

2 (4) a copy of the original papers filed in the
3 transferring court, including a copy of any will;

4 (5) a copy of the transfer certificate and index of
5 transferred documents from each previous transfer; and

6 (6) a bill of any costs accrued in the transferring
7 court.

8 (b) The clerk of the transferring court shall use the
9 standardized transfer certificate and index of transferred
10 documents form developed by the Office of Court Administration of
11 the Texas Judicial System under Section 72.037, Government Code,
12 when transferring a proceeding under this section.

13 (c) The clerk of the transferring court shall keep a copy of
14 the documents transferred under Subsection (a).

15 (d) The clerk of the court to which the proceeding is
16 transferred shall:

17 (1) accept documents transferred under Subsection
18 (a);

19 (2) docket the proceeding; and

20 (3) notify, using the electronic filing system
21 established under Section 72.031, Government Code, all parties to
22 the proceeding, the clerk of the transferring court, and, if
23 appropriate, the transferring court's local registry that the
24 proceeding has been docketed.

25 (e) The clerk of the transferee court shall physically or
26 electronically mark or stamp the transfer certificate and index of
27 transferred documents to evidence the date and time of acceptance

1 under Subsection (d) but may not physically or electronically mark
2 or stamp any other document transferred under Subsection (a).

3 (f) The clerks of both the transferee and transferring
4 courts may each produce under Chapter 51, Government Code,
5 certified or uncertified copies of documents transferred under
6 Subsection (a) but must include a copy of the transfer certificate
7 and index of transferred documents with each document produced.

8 (g) Sections 80.001 and 80.002, Government Code, do not
9 apply to the transfer of documents under this section.

10 SECTION 5. Section 1023.006, Estates Code, is amended to
11 read as follows:

12 Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the
13 10th working day after the date [when] an order of transfer is
14 signed [made] under Section 1023.005, the clerk shall record any
15 unrecorded papers of the guardianship required to be recorded. On
16 payment of the clerk's fee, the clerk shall send, using the
17 electronic filing system established under Section 72.031,
18 Government Code, [transmit in electronic or paper form] to the
19 county clerk of the county to which the guardianship was ordered
20 transferred:

21 (1) a transfer certificate and index of transferred
22 documents [the case file of the guardianship proceedings]; [and]

23 (2) a copy of each final order;

24 (3) a copy of the order of transfer signed by the
25 transferring court;

26 (4) a copy of the original papers filed in the
27 transferring court;

1 (5) a copy of the transfer certificate and index of
2 transferred documents from each previous transfer; and

3 (6) a bill of any costs accrued in the transferring
4 court [a certified copy of the index of the guardianship records].

5 (b) The clerk of the transferring court shall use the
6 standardized transfer certificate and index of transferred
7 documents form developed by the Office of Court Administration of
8 the Texas Judicial System under Section 72.037, Government Code,
9 when transferring a proceeding under this section.

10 (c) The clerk of the transferring court shall keep a copy of
11 the documents transferred under Subsection (a).

12 (d) The clerk of the court to which the proceeding is
13 transferred shall:

14 (1) accept documents transferred under Subsection
15 (a);

16 (2) docket the suit; and

17 (3) notify, using the electronic filing system
18 established under Section 72.031, Government Code, all parties, the
19 clerk of the transferring court, and, if appropriate, the
20 transferring court's local registry that the suit has been
21 docketed.

22 (e) The clerk of the transferee court shall physically or
23 electronically mark or stamp the transfer certificate and index of
24 transferred documents to evidence the date and time of acceptance
25 under Subsection (d), but may not physically or electronically mark
26 or stamp any other document transferred under Subsection (a).

27 (f) The clerk of the transferring court shall send a

1 certified copy of the order directing payments to the transferee
2 court to:

3 (1) any party affected by the order and, if
4 appropriate, to the local registry of the transferee court using
5 the electronic filing system established under Section 72.031,
6 Government Code; and

7 (2) an employer affected by the order electronically
8 or by first class mail.

9 (g) The clerks of both the transferee and transferring
10 courts may each produce under Chapter 51, Government Code,
11 certified or uncertified copies of documents transferred under
12 Subsection (a) but must include a copy of the transfer certificate
13 and index of transferred documents with each document produced.

14 (h) Sections 80.001 and 80.002, Government Code, do not
15 apply to the transfer of documents under this section.

16 SECTION 6. Section 1023.007, Estates Code, is amended to
17 read as follows:

18 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring
19 a guardianship does not take effect until the clerk of the court to
20 which the proceeding is transferred accepts and docketes the case
21 record under Section 1023.006[-+]

22 ~~[(1) the case file and a certified copy of the index~~
23 ~~required by Section 1023.006 are filed in electronic or paper form~~
24 ~~in the office of the county clerk of the county to which the~~
25 ~~guardianship was ordered transferred; and~~

26 ~~[(2) a certificate under the clerk's official seal and~~
27 ~~reporting the filing of the case file and a certified copy of the~~

1 ~~index is filed in electronic or paper form in the court ordering the~~
2 ~~transfer by the county clerk of the county to which the guardianship~~
3 ~~was ordered transferred].~~

4 SECTION 7. Section 51.072(1), Family Code, is amended to
5 read as follows:

6 (1) The sending county is financially responsible for any
7 special treatment program or placement that the juvenile court of
8 the sending county requires as a condition of probation [~~if the~~
9 ~~child's family is financially unable to pay for the program or~~
10 ~~placement].~~

11 SECTION 8. Section 61.002, Family Code, is amended to read
12 as follows:

13 Sec. 61.002. APPLICABILITY. This [~~(a) Except as provided~~
14 ~~by Subsection (b), this]~~ chapter applies to a proceeding to enter a
15 juvenile court order:

16 (1) [~~for payment of probation fees under Section~~
17 ~~54.061,~~

18 [~~(2)~~] for restitution under Sections 54.041(b) and
19 54.048;

20 (2) [~~(3)~~] for community service under Section
21 54.044(b);

22 (3) [~~(4)~~] requiring the person to refrain from doing
23 any act injurious to the welfare of the child under Section
24 54.041(a)(1);

25 (4) [~~(5)~~] enjoining contact between the person and the
26 child who is the subject of a proceeding under Section
27 54.041(a)(2);

1 (5) [~~(6)~~] ordering a person living in the same
2 household with the child to participate in counseling under Section
3 [54.041\(a\)\(3\)](#);

4 (6) [~~(7)~~] ~~requiring a parent or other eligible person~~
5 ~~to pay reasonable attorney's fees for representing the child under~~
6 ~~Section [51.10\(c\)](#);~~

7 ~~[(8)] requiring the parent or other eligible person to~~
8 ~~reimburse the county for payments the county has made to an attorney~~
9 ~~appointed to represent the child under Section [51.10\(j\)](#);~~

10 ~~[(9)] requiring payment of deferred prosecution~~
11 ~~supervision fees under Section [53.03\(d\)](#);~~

12 ~~[(10)]~~ requiring a parent or other eligible person to
13 attend a court hearing under Section [51.115](#);

14 (7) [~~(11)~~] requiring a parent or other eligible person
15 to act or refrain from acting to aid the child in complying with
16 conditions of release from detention under Section [54.01\(r\)](#); or

17 (8) [~~(12)~~] requiring a parent or other eligible person
18 to act or refrain from acting under any law imposing an obligation
19 of action or omission on a parent or other eligible person because
20 of the parent's or person's relation to the child who is the subject
21 of a proceeding under this title [~~, or~~

22 ~~[(13)] for payment of the cost of attending an~~
23 ~~educational program under Section [54.0404](#)].~~

24 ~~[(b)] This subchapter does not apply to the entry and~~
25 ~~enforcement of a child support order under Section [54.06](#).]~~

26 SECTION 9. Section [110.002](#), Family Code, is amended by
27 amending Subsection (a) and adding Subsection (d) to read as

1 follows:

2 (a) The clerk of the court may collect a filing fee of \$80
3 [~~\$15~~] in a suit for filing:

4 (1) a suit or motion for modification;

5 (2) a motion for enforcement;

6 (3) a notice of application for judicial writ of
7 withholding;

8 (4) [~~a motion to transfer,~~

9 [~~5~~] a petition for license suspension;

10 (5) [~~6~~] a motion to revoke a stay of license
11 suspension; or

12 (6) [~~7~~] a motion for contempt.

13 (d) Fees collected under this section are to be remitted and
14 allocated as provided by Chapters 133 and 135, Local Government
15 Code, as applicable.

16 SECTION 10. Section 110.005(a), Family Code, is amended to
17 read as follows:

18 (a) The fee for filing a transferred case is \$80 [~~\$45~~]
19 payable to the clerk of the court to which the case is transferred.
20 Fees collected under this section are to be remitted and allocated
21 as provided by Chapters 133 and 135, Local Government Code, as
22 applicable [~~No portion of this fee may be sent to the state~~].

23 SECTION 11. Sections 155.207(a), (b), and (e), Family Code,
24 are amended to read as follows:

25 (a) Not later than the 10th working day after the date an
26 order of transfer is signed, the clerk of the court transferring a
27 proceeding shall send, using the electronic filing system

1 established under Section 72.031, Government Code, to the proper
2 court [~~in the county~~] to which transfer is being made:

3 (1) a transfer certificate and index of transferred
4 documents;

5 (2) a copy of each final order;

6 (3) a copy of the order of transfer signed by the
7 transferring court;

8 (4) a copy of the original papers filed in the
9 transferring court;

10 (5) a copy of the transfer certificate and index of
11 transferred documents from each previous transfer; and

12 (6) a bill of any costs that have accrued in the
13 transferring court.

14 (b) The clerk of the transferring court shall keep a copy of
15 the documents transferred under Subsection (a) [~~transferred~~
16 ~~pleadings~~].

17 (e) The clerks of both the transferee and transferring
18 courts may each produce under Chapter 51, Government Code,
19 certified or uncertified copies of documents transferred under
20 Subsection (a) and must [~~filed in a case transferred under this~~
21 ~~section, but shall also~~] include a copy of the transfer certificate
22 and index of transferred documents with each document produced.

23 SECTION 12. Section 51.3071, Government Code, is amended by
24 amending Subsection (a) and adding Subsections (f) and (g) to read
25 as follows:

26 (a) If a case is transferred from a district court to a
27 constitutional or statutory county court or another district court,

1 the clerk of the transferring [~~district~~] court shall send to the
2 [~~county~~] clerk of the court to which the case is transferred, using
3 the electronic filing system established under Section 72.031:

4 (1) a transfer certificate and index of transferred
5 documents;

6 (2) a copy of the original papers filed in the
7 transferring court;

8 (3) a copy of the order of transfer signed by the
9 transferring court;

10 (4) a copy of each final order;

11 (5) a copy of the transfer certificate and index of
12 transferred documents from each previous transfer; and

13 (6) a bill of any costs that have accrued in the
14 transferring court.

15 (f) The clerks of both the transferee and transferring
16 courts may each produce, under this chapter, certified or
17 uncertified copies of documents transferred under Subsection (a)
18 and must include a copy of the transfer certificate and index of
19 transferred documents with each document produced.

20 (g) This section applies regardless of whether the
21 transferee court and the transferring court are in the same or
22 different counties.

23 SECTION 13. Section 51.318(b), Government Code, is amended
24 to read as follows:

25 (b) The fees are:

26 (1) for issuing a subpoena, including one copy . . . \$8;

27 (2) for issuing a citation, commission for deposition,

1 writ of execution, order of sale, writ of execution and order of
2 sale, writ of injunction, writ of garnishment, writ of attachment,
3 or writ of sequestration, or any other writ or process not otherwise
4 provided for, including one copy if required by law \$8;

5 (3) for searching files or records to locate a cause
6 when the docket number is not provided or to ascertain the existence
7 of an instrument or record in the district clerk's office \$5;

8 (4) for abstracting a judgment \$8;

9 (5) for preparation of the clerk's record on appeal,
10 for each page or part of a page \$1;

11 (6) for approving a bond \$5;

12 (7) for a certified copy of a record, judgment, order,
13 pleading, or paper on file or of record in the district clerk's
14 office[~~, printed on paper~~]:

15 (A) including certificate and seal \$5; and

16 (B) for each page or part of a page:

17 (i) printed on paper \$1;

18 (ii) that is a paper document converted to
19 electronic format \$1; or

20 (iii) that is an electronic copy of an
21 electronic document:

22 (a) for a document up to 10 pages in
23 length \$1; and

24 (b) for each page or part of a page
25 over 10 pages \$0.10;

26 (8) for a noncertified copy:

27 (A) printed on paper, for each page or part of a

1 page \$1;

2 (B) that is a paper document converted to
3 electronic format, for each page or part of a page \$1; or

4 (C) that is an electronic copy of an electronic
5 document:

6 (i) for each document up to 10 pages in
7 length \$1; and

8 (ii) for each page or part of a page over 10
9 pages \$0.10;

10 (9) for preparation of the clerk's record of transfer
11 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
12 Family Code, and Sections 51.3071 and 51.403 of this code:

13 (A) for the clerk's transfer certificate and
14 index \$5;

15 (B) for each page or part of a page of a case
16 record up to 10 pages in length \$1.00; and

17 (C) for each page or part of a page of a case
18 record over 10 pages \$0.10.

19 SECTION 14. Section 51.403, Government Code, is amended by
20 amending Subsection (a) and adding Subsections (d) and (e) to read
21 as follows:

22 (a) If a case is transferred from a county court to a
23 district court or a statutory county court or a county court of
24 another county, the clerk of the transferring [~~county~~] court shall
25 send to the [~~district~~] clerk of the court to which the case is
26 transferred, using the electronic filing system established under
27 Section 72.031:

1 (1) a transfer certificate and index of transferred
2 documents;

3 (2) a copy of the original papers filed in the
4 transferring court;

5 (3) a copy of the order of transfer signed by the
6 transferring court;

7 (4) a copy of each final order;

8 (5) a copy of the transfer certificate and index of
9 transferred documents from each previous transfer; and

10 (6) a bill of any costs that have accrued in the
11 transferring court.

12 (d) The clerks of both the transferee and transferring
13 courts may each produce, under this chapter, certified or
14 uncertified copies of documents transferred under Subsection (a)
15 and must include a copy of the transfer certificate and index of
16 transferred documents with each document produced.

17 (e) This section applies regardless of whether the
18 transferee court and the transferring court are in the same or
19 different counties.

20 SECTION 15. Section 72.037(a), Government Code, is amended
21 to read as follows:

22 (a) The office shall develop and make available a
23 standardized transfer certificate and an index of transferred
24 documents form to be used for the transfer of cases and proceedings
25 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
26 Family Code, and Sections 51.3071 and 51.403 of this code.

27 SECTION 16. Section 118.011(a), Local Government Code, is

1 amended to read as follows:

2 (a) A county clerk shall collect the following fees for
3 services rendered to any person:

4 (1) Personal Property Records Filing (Sec. 118.012):

5 (A) for the first page \$ 5.00_i

6 (B) for each additional page or part of a page on
7 which there are visible marks of any kind \$ 4.00_i

8 (2) Real Property Records Filing (Sec. 118.013):

9 (A) for the first page \$ 5.00_i

10 (B) for each additional page or part of a page on
11 which there are visible marks of any kind \$ 4.00_i

12 (C) for all or part of each 8-1/2" X
13 14" attachment or rider \$ 4.00_i

14 (D) for each name in excess of five names that has
15 to be indexed in all records in which the document must be
16 indexed \$ 0.25_i

17 (3) Certified Papers (Sec. 118.014):

18 (A) for the clerk's certificate \$ 5.00_i

19 (B) printed on paper, plus a fee for each page or
20 part of a page \$ 1.00_i

21 (C) that is a paper document converted to
22 electronic format, for each page or part of a page \$1;

23 (D) that is an electronic copy of an electronic
24 document:

25 (i) for each document up to 10 pages in
26 length \$1;

27 (ii) for each page or part of a page of a

1 document over 10 pages \$0.10;

2 (4) Noncertified Papers (Sec. 118.0145):

3 (A) printed on paper, for each page or part of a
4 page \$ 1.00;

5 (B) that is a paper document converted to
6 electronic format, for each page or part of a page \$1;

7 (C) that is an electronic copy of an electronic
8 document:

9 (i) for each document up to 10 pages in
10 length \$1;

11 (ii) for each page or part of a page of a
12 document over 10 pages \$0.10;

13 (5) Birth or Death Certificate (Sec.
14 118.015) same as state registrar;

15 (6) Bond Approval (Sec. 118.016) \$ 3.00;

16 (7) Marriage License (Sec. 118.018) \$60.00;

17 (8) Declaration of Informal Marriage (Sec.
18 118.019) \$25.00;

19 (9) Brand Registration (Sec. 118.020) \$ 5.00;

20 (10) Oath Administration (Sec. 118.021) \$ 1.00.

21 SECTION 17. Section 118.052, Local Government Code, is
22 amended to read as follows:

23 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
24 shall collect the following fees for services rendered to any
25 person:

26 (1) CIVIL COURT ACTIONS

27 (A) Preparation of the clerk's record of transfer

1 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
2 Family Code, and Sections 51.3071 and 51.403, Government Code:

3 (i) for the clerk's transfer certificate
4 and index \$5;

5 (ii) for each page or part of a page of a
6 case record up to 10 pages in length \$1.00;

7 (iii) for each page or part of a page of a
8 case record over 10 pages \$0.10; [~~Filing~~
9 ~~of Garnishment after judgment . . . \$15.00]~~

10 (B) Services Rendered After Judgment in Original
11 Action (Sec. 118.0545):

12 (i) Abstract of judgment . . . \$ 8.00*;*

13 (ii) Execution, order of sale, writ, or
14 other process . . . \$ 8.00*;*

15 (2) PROBATE COURT ACTIONS

16 (A) Services in Pending Probate Action (Sec.
17 118.056):

18 (i) Filing an inventory and appraisalment as
19 provided by Section 118.056(d) . . . \$25.00*;*

20 (ii) Approving and recording bond . . .
21 \$ 5.00*;*

22 (iii) Administering oath . . . \$ 2.00*;*

23 (iv) Filing annual or final account of
24 estate . . . \$25.00*;*

25 (v) Filing application for sale of real or
26 personal property . . . \$25.00*;*

27 (vi) Filing annual or final report of

1 guardian of a person . . . \$10.00;i

2 (vii) Filing a document not listed under
3 this paragraph after the filing of an order approving the inventory
4 and appraisement or after the 120th day after the date of the
5 initial filing of the action, whichever occurs first, if more than
6 25 pages . . . \$25.00;i

7 (B) Claim Against Estate (Sec. 118.058) . . .
8 \$10.00;i

9 (C) Preparation of the clerk's record of transfer
10 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,
11 Family Code, and Sections 51.3071 and 51.403, Government Code:

12 (i) for the clerk's transfer certificate
13 and index \$5;

14 (ii) for each page or part of a page of a
15 case record up to 10 pages in length \$1.00;

16 (iii) for each page or part of a page of a
17 case record over 10 pages \$0.10;

18 (3) OTHER FEES

19 (A) Issuing Document (Sec. 118.059):

20 (i) original document and one copy . . .
21 \$ 8.00;i

22 (ii) each additional set of an original and
23 one copy . . . \$ 8.00;i

24 (B) Certified Papers (Sec. 118.060):

25 (i) for the clerk's certificate . . .
26 \$ 5.00;i

27 (ii) printed on paper, plus a fee per page

1 or part of a page of . . . \$ 1.00;i

2 (iii) that is a paper document converted to
3 electronic format, for each page or part of a page \$1;

4 (iv) that is an electronic copy of an
5 electronic document:

6 (a) for each document up to 10 pages
7 in length \$1;

8 (b) for each page or part of a page of
9 a document over 10 pages \$0.10;

10 (C) Noncertified Papers (Sec. 118.0605):

11 (i) printed on paper, for each page or part
12 of a page . . . \$ 1.00;i

13 (ii) that is a paper converted to
14 electronic format, for each page or part of a page . . . \$ 1.00;i

15 (iii) that is an electronic copy of an
16 electronic document:

17 (a) [~~(i)~~] for each document up to 10
18 pages in length . . . \$ 1.00; [~~and~~]

19 (b) [~~(ii)~~] for each page or part of a
20 page of a document over 10 pages . . . \$ 0.10;i

21 (D) Letters Testamentary, Letter of
22 Guardianship, Letter of Administration, or Abstract of Judgment
23 (Sec. 118.061) . . . \$ 2.00;i

24 (E) Deposit and Safekeeping of Wills (Sec.
25 118.062) . . . \$ 5.00;i

26 (F) Mail Service of Process (Sec. 118.063) . . .
27 same as sheriff;i

1 (G) Searching files or records to locate a cause
2 when the docket number is not provided . . . \$ 5.00;

3 (H) Records Technology and Infrastructure Fee if
4 authorized by the commissioners court of the county (Sec. 118.026)
5 . . . \$ 2.00;

6 (I) Preparation of the clerk's record for appeal,
7 per page or part of a page . . . \$1.00.

8 SECTION 18. Section 118.131(a), Local Government Code, is
9 amended to read as follows:

10 (a) The commissioners court of a county may set reasonable
11 fees to be charged for service of process, including service of
12 writs, [~~services~~] by the offices of the sheriff and constables.

13 SECTION 19. Sections 133.151(a) and (a-1), Local Government
14 Code, are amended to read as follows:

15 (a) The clerk of a district court, statutory county court,
16 statutory probate court, or county court shall collect:

17 (1) a fee in the amount of \$137 on the filing of any
18 civil, probate, guardianship, or mental health case; and

19 (2) a fee in the amount of \$45 on any action other than
20 an original action subject to Subdivision (1), including [~~an appeal~~
21 ~~and~~] any counterclaim, cross-action, intervention, contempt
22 action, adverse probate action, interpleader, motion for new trial,
23 motion to reinstate, or third-party action.

24 (a-1) The clerk of a justice court shall collect a fee in the
25 amount of \$21 on the filing of any civil case and on any action other
26 than an original action for the civil case, including an appeal and
27 any counterclaim, cross-action, intervention, contempt action,

1 interpleader, motion for new trial, motion to reinstate, or
2 third-party action.

3 SECTION 20. Section 134.101(b), Local Government Code, is
4 amended to read as follows:

5 (b) The treasurer shall allocate the court costs received
6 under this section to the following accounts and funds so that each
7 receives to the extent practicable, utilizing historical data as
8 applicable, the same amount of money the account or fund would have
9 received if the court costs for the accounts and funds had been
10 collected and reported separately, except that the account or fund
11 may not receive less than the following percentages:

- 12 (1) the clerk of the court account 38.0953 percent;
- 13 (2) the clerks [~~county~~] records management and
14 preservation fund 23.8095 percent;
- 15 (3) the county jury fund 0.9524 percent;
- 16 (4) the courthouse security fund 9.5238 percent;
- 17 (5) the county and district court technology
18 fund 3.8095 percent; and
- 19 (6) the county specialty court account 23.8095
20 percent.

21 SECTION 21. Section 134.102(b), Local Government Code, is
22 amended to read as follows:

23 (b) The treasurer shall allocate the court costs received
24 under this section to the following accounts and funds so that each
25 receives to the extent practicable, utilizing historical data as
26 applicable, the same amount of money the account or fund would have
27 received if the court costs for the accounts and funds had been

1 collected and reported separately, except that the account or fund
2 may not receive less than the following percentages:

- 3 (1) the clerk of the court account 32.5203 percent;
- 4 (2) the clerks [~~county~~] records management and
5 preservation fund 20.3252 percent;
- 6 (3) the account for prosecutor's fees 16.2602 percent;
- 7 (4) the county jury fund 0.8130 percent;
- 8 (5) the courthouse security fund 8.1301 percent;
- 9 (6) the county and district court technology
10 fund 3.2520 percent;
- 11 (7) the court reporter service fund 2.4390 percent; and
- 12 (8) the county specialty court account 16.2602
13 percent.

14 SECTION 22. Section [134.155](#), Local Government Code, is
15 amended to read as follows:

16 Sec. 134.155. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND
17 PRESERVATION FUND. Money allocated under Section [134.101](#) or
18 [134.102](#) to the clerks [~~county~~] records management and preservation
19 fund maintained in the county treasury as required by Section
20 [134.151](#) may be used by a clerk [~~county~~] only to fund records
21 management and preservation services performed by the [~~court~~] clerk
22 who collects the fee.

23 SECTION 23. Section [135.101](#), Local Government Code, is
24 amended to read as follows:

25 Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN
26 CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY
27 COURT. (a) A person shall pay in a district court, statutory

1 county court, or county court in addition to all other fees and
2 court costs a local consolidated filing fee of:

3 (1) \$213 on filing any civil case except a probate,
4 guardianship, or mental health case; and

5 (2) \$35 on any action other than an original action for
6 a case subject to Subdivision (1), including an appeal and any
7 counterclaim, cross-action, intervention, contempt action,
8 interpleader, motion for new trial, motion to reinstate, or
9 third-party action.

10 (b) The county treasurer shall allocate the fees received
11 under Subsection (a)(1) to the following accounts and funds so that
12 each receives to the extent practicable, utilizing historical data
13 as applicable, the same amount of money the account or fund would
14 have received if the fees for the accounts and funds had been
15 collected and reported separately, except that the account or fund
16 may not receive less than the following percentages:

- 17 (1) the appellate judicial system fund 2.3474 percent;
18 (2) the court facility fee fund 9.3897 percent;
19 (3) the clerk of the court account 23.4742 percent;
20 (4) the clerks [~~county~~] records management and
21 preservation account 14.0845 percent;
22 (5) the court reporter service fund 11.7371 percent;
23 (6) the county law library fund 16.4319 percent;
24 (7) the courthouse security fund 9.3897 percent;
25 (8) the language access fund 1.4085 percent;
26 (9) the county jury fund 4.6948 percent; and
27 (10) the county dispute resolution fund 7.0423

1 percent.

2 (c) The county treasurer shall allocate the fees received
3 under Subsection (a)(2) to the following accounts and funds so that
4 each receives to the extent practicable, utilizing historical data
5 as applicable, the same amount of money the account or fund would
6 have received if the fees for the accounts and funds had been
7 collected and reported separately, except that the account or fund
8 may not receive less than the following percentages:

9 (1) the clerk of the court account 42.8571 percent; and

10 (2) the clerks [~~county~~] records management and
11 preservation account 57.1429 percent.

12 SECTION 24. Sections 135.102(b) and (c), Local Government
13 Code, are amended to read as follows:

14 (b) The county treasurer shall allocate the fees received
15 under Subsection (a)(1) to the following accounts and funds so that
16 each receives to the extent practicable, utilizing historical data
17 as applicable, the same amount of money the account or fund would
18 have received if the fees for the accounts and funds had been
19 collected and reported separately, except that the account or fund
20 may not receive less than the following percentages:

21 (1) the appellate judicial system fund 2.2422 percent;

22 (2) the court facility fee fund 8.9686 percent;

23 (3) the clerk of the court account 17.9372 percent;

24 (4) the clerks [~~county~~] records management and
25 preservation account 6.7265 percent;

26 (5) the court reporter service fund 11.2108 percent;

27 (6) the county law library fund 15.6951 percent;

- 1 (7) the courthouse security fund 8.9686 percent;
2 (8) the language access fund 1.3453 percent;
3 (9) the county jury fund 4.4841 percent;
4 (10) the county dispute resolution fund 6.7265
5 percent;
6 (11) the court-initiated guardianship fund 8.9686
7 percent;
8 (12) the judicial education and support fund 2.2422
9 percent; and
10 (13) the public probate administrator fund 4.4843
11 percent.

12 (c) The county treasurer shall allocate the fees received
13 under Subsection (a)(2) to the following accounts and funds so that
14 each receives to the extent practicable, utilizing historical data
15 as applicable, the same amount of money the account or fund would
16 have received if the fees for the accounts and funds had been
17 collected and reported separately, except that the account or fund
18 may not receive less than the following percentages:

- 19 (1) the clerk of the court account 53.3333 percent;
20 (2) the clerks [~~county~~] records management and
21 preservation account 6.6667 percent;
22 (3) the court-initiated guardianship fund 26.6667
23 percent; and
24 (4) the public probate administrator fund 13.3333
25 percent.

26 SECTION 25. Section [135.103](#)(a), Local Government Code, is
27 amended to read as follows:

1 (a) In addition to all other fees and court costs, a person
2 shall pay a local consolidated filing fee of \$33 on filing of any
3 civil case in a justice court and on any action other than an
4 original action for a civil case, including an appeal and any
5 counterclaim, cross-action, intervention, contempt action,
6 interpleader, motion for new trial, motion to reinstate, or
7 third-party action.

8 SECTION 26. Section [135.154](#), Local Government Code, is
9 amended to read as follows:

10 Sec. 135.154. CLERKS [~~COUNTY~~] RECORDS MANAGEMENT AND
11 PRESERVATION ACCOUNT. Money allocated under Section [135.101](#) or
12 [135.102](#) to the clerks [~~county~~] records management and preservation
13 account maintained in the county treasury as required by Section
14 [135.151](#) may be used by a clerk [~~county~~] only to fund records
15 management and preservation services, including automation,
16 performed by the [~~court~~] clerk who collects the fee on approval by
17 the commissioners court of a budget as provided by Chapter [111](#). An
18 expenditure from the fund must comply with Subchapter [C](#), Chapter
19 [262](#).

20 SECTION 27. (a) Effective September 1, 2023, the following
21 laws are repealed:

- 22 (1) Article [26.057](#), Code of Criminal Procedure;
- 23 (2) Section [33.103](#)(c), Estates Code;
- 24 (3) Sections [51.10](#)(e), (k), and (l), Family Code;
- 25 (4) Section [53.03](#)(d), Family Code;
- 26 (5) Section [54.0404](#)(b), Family Code;
- 27 (6) Section [54.06](#), Family Code;

1 (7) Section 54.061, Family Code; and

2 (8) Section 56.01(1), Family Code.

3 (b) Effective January 1, 2024, Section 291.008, Local
4 Government Code, is repealed.

5 SECTION 28. (a) Notwithstanding Section 51.607(c),
6 Government Code, Sections 51.072(1) and 61.002, Family Code, as
7 amended by this Act, and the repeal of Sections 51.10(e), (k), and
8 (l), 53.03(d), 54.0404(b), and 56.01(1), Family Code, by this Act
9 apply to the authority of a juvenile court to impose a fee or cost on
10 or after September 1, 2023, regardless of whether the underlying
11 action commenced before, on, or after September 1, 2023. The
12 imposition of a fee or cost by a juvenile court before September 1,
13 2023, is governed by the law in effect on the date the fee or cost
14 was imposed, and the former law is continued in effect for that
15 purpose.

16 (b) As soon as practicable after January 1, 2024, the Office
17 of Court Administration of the Texas Judicial System shall develop
18 and make available all forms and materials required by Section
19 72.037, Government Code, as amended by this Act.

20 (c) The repeal of Article 26.057, Code of Criminal
21 Procedure, by this Act, applies to a case transferred to a criminal
22 court under Section 54.02, Family Code, on or after September 1,
23 2023. A case transferred to a criminal court before September 1,
24 2023, is governed by the law in effect on the date the case was
25 transferred, and the former law is continued in effect for that
26 purpose.

27 (d) The repeal of Section 54.06, Family Code, by this Act

1 applies only to an order for assignment of child support rendered on
2 or after September 1, 2023. An order for assignment of child support
3 rendered before September 1, 2023, is governed by the law in effect
4 on the date the order was rendered, and the former law is continued
5 in effect for that purpose.

6 SECTION 29. (a) Except as provided by Subsection (b) of this
7 section or as otherwise provided by this Act, this Act takes effect
8 January 1, 2024.

9 (b) The following provisions take effect September 1, 2023:

- 10 (1) Sections 33.101, 33.102(a), 33.103(b), 1023.006,
11 and 1023.007, Estates Code, as amended by this Act;
- 12 (2) Section 33.105, Estates Code, as added by this
13 Act;
- 14 (3) Sections 51.072(1), 61.002, and 155.207(a), (b),
15 and (e), Family Code, as amended by this Act; and
- 16 (4) Sections 51.3071 and 51.403, Government Code, as
17 amended by this Act.

S.B. No. 1612

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1612 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1612 passed the House on May 12, 2023, by the following vote: Yeas 124, Nays 16, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor